

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Elnora Carthan; Rhonda Kelso,
individually and as next friend of K.E.K.
a minor; Darrell and Barbara Davis;
Michael Snyder, as personal representative of
the Estate of John Snyder, deceased; Marilyn
Bryson; David Munzo; Tiantha Williams,
individually and as next of friend of T.W.,
a minor child; Amber Brown, as next of
friend of K.L.D., a minor child; Frances
Gilcreast; EPCO Sales, LLC; Angelo's
Coney Island Palace, Inc., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v

Governor Rick Snyder, in his individual and
official capacities; the State of Michigan;
the City of Flint; Daniel Wyant, in his
individual capacity; Andy Dillion, in his
individual capacity; Nick Lyon in his
individual capacity; Nancy Peeler, in her
individual capacity; Liane Shekter-Smith,
in her individual capacity; Adam Rosenthal,
in his individual capacity; Stephen Busch, in
his individual capacity; Patrick Cook, in his
individual capacity; Michael Prysby, in his
individual capacity; Bradley Wurfel, in his
individual capacity; Jeff Wright, in his
individual capacity; Edward Kurtz, in his
individual capacity; Darnell Earley, in his
individual capacity; Gerald Ambrose, in his
individual capacity; Dayne Walling, in his
individual and official capacities; Howard
Croft, in his individual; Michael Glasgow, in
his individual capacity; Daugherty Johnson, in
his individual capacity; Lockwood, Andrews &
Newnam, P.C.; Lockwood, Andrews &
Newnam, Inc.; Leo A. Daly Company; Veolia
North America, LLC; Veolia North America,
Inc.; Veolia Water North America Operating
Services, LLC,

Defendants.

Case No.: 5:16-cv-10444-JEL-MKM

Hon. Judith E. Levy
Magistrate Judge Mona K. Majzoub

**ROWE PROFESSIONAL SERVICES COMPANY’S ANSWER TO CONSOLIDATED
AMENDED CLASS COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF,
MONEY DAMAGES AND JURY DEMAND**

NOW COMES Defendant, **ROWE PROFESSIONAL SERVICES COMPANY** (“**ROWE**”), by and through its attorneys, SULLIVAN, WARD, ASHER & PATTON, P.C., and in answer to the Consolidated Amended Complaint (“Complaint”), states as follows:

INTRODUCTORY STATEMENT

1. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

2. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

SUMMARY OF THE ENGINEERING DEFENDANTS’ MISCONDUCT

i. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

ii. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

**SUMMARY OF THE CONSTITUTIONAL AND CIVIL RIGHTS VIOLATIONS AND
INJURIES CAUSED BY THE GOVERNMENTAL DEFENDANTS**

iii. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

iv. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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ix. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

3. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

JURISDICTION AND VENUE

4. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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PARTIES

A. Plaintiffs

11. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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B. Engineering Defendants

36. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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C. Government Defendants

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STATEMENT OF FACTS

81. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

A. Dangers From the Flint River Water Have Been Well-Known for Decades

82. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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85. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

86(a-c). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

86(d). Rowe denies the allegations contained in this paragraph as they do not accurately reflect the facts and circumstances surrounding the 2011 study, although Rowe does generally admit that the study was commissioned by Genesee County and was intended to evaluate whether the Flint River would be a suitable permanent water supply source to the City of Flint.

86(e). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

87. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

B. Despite These Well-Known Dangers, Defendants Decided to Use Flint River Water as the Primary Water Source for the City of Flint

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C. The LAN Defendants Failed to Meet Their Duties of Care and Competence as Design Engineers for the Flint Water Treatment Plant

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117(a-b). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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D. Numerous Signs of the Public Health Crisis Caused By the Contaminated Water Were Evident Within Weeks of the Switch

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E. The LAN and Veolia Defendants Were Asked to Evaluate the Problems, But Failed to Do So Properly

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158(a-c). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

159(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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F. The LAN and Veolia Defendants Fail to Conduct a Root Cause Analysis

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183. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

G. The LAN and Veolia Defendants' Conclusions Made the Crisis Worse

184. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

185. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

186. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

187. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

188. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

189. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

190. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

191. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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196. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

197. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

198. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

199. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

H. Despite the Numerous Signs of the Growing Crisis, the Government Defendants Failed to Act, and Concealed Known Dangers From the Plaintiffs

200. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

201. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

202. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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213. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

214. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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219. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

220(a-c). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

221. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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225. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

226. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

227. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

228. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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232. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

233(1-4). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

234. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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252. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

254(a-b). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

255. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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261. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

262. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

I. Defendants' Misconduct Has Caused the Plaintiffs to Suffer Devastating Health Effects and Other Personal Injuries

263. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

264. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

265. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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274. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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277. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

278. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

J. Defendants; Misconduct Has Also Caused the Plaintiffs to Suffer Extensive Property Damage and Monetary Losses.

279. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

280. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

281. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

282. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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288. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

289. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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291. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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293. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

294. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

295. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

296. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

297. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

298. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

299. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

300. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

301. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

302. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

303. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

304. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

K. Defendants' Misconduct Has Resulted in Criminal Indictments and Other Government Investigations

305. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

306. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

L. Efforts to Remediate the Harms Alleged Herein Are Inadequate.

307. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

308. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

309. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

310. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

CLASS ALLEGATIONS

311. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

312. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

313. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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315. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

316. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

317. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

318. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

319. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT I – CAUSE OF ACTION
42 U.S.C. §1983 – 14TH AMENDMENT
SUBSTANTIVE DUE PROCESS – STATE CREATED
DANGER: BY ALL PLAINTIFFS AGAINST GOVERNMENT DEFENDANTS

320. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 319 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

321. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

322. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

323. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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327. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

329. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

329(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

330. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT II – CAUSE OF ACTION
42 U.S.C. § 1983 – 14TH AMENDMENT
SUBSTANTIVE DUE PROCESS – BODILY INTEGRITY:
BY INDIVIDUAL PLAINTIFFS AGAINST GOVERNMENT DEFENDANTS

331. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 330 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

332. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

333. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

334. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

335. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

336. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

337(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

338. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT III – CAUSE OF ACTION
42 U.S.C. § 1983 – 5TH AND 14TH AMENDMENTS
EQUAL PROTECTION OF THE LAW: RACE-BASED: BY ALL PLAINTIFFS
AGAINST SNYDER, DILLON, WRIGHT, WALLING, AMBROSE, KURTZ & EARLEY

339. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 338 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

340. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

341. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

342. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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352. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

354(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

355. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT IV – CAUSE OF ACTION
42 U.S.C. § 1983 – 5TH AND 14TH AMENDMENTS
EQUAL PROTECTION OF THE LAW: WEALTH-BASED: BY
ALL PLAINTIFFS AGAINST SNYDER, DILLON, WRIGHT, WALLING,
AMBROSE, KURTZ & EARLEY

356. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 355 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

357. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

358. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

359. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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369. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

370(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

371. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT V – CAUSE OF ACTION
42 U.S.C. § 1985(3) INVIDIOUS RACIAL ANIMUS: BY
ALL PLAINTIFFS AGAINST SNYDER, DILLON, WRIGHT, WALLING,
AMBROSE, KURTZ & EARLEY

372. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 371 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

373. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

374. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

375. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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384. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

386(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

387. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT VI – CAUSE OF ACTION
MCL 37.2302 – VIOLATION OF PUBLIC SERVICE PROVISIONS OF
ELCRA-DISPARATE TREATMENT AND DISPARATE IMPACT
PLAINTIFFS AGAINST SNYDER, STATE OF MICHIGAN, DILLON, WRIGHT,
WALLING, AMBROSE, KURTZ, EARLEY, AND THE CITY OF FLINT

388. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 387 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

389. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

390. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

391. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

392. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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402. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

403(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

404. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT VII – CAUSE OF ACTION
MONELL CLAIM: BY ALL PLAINTIFFS AGAINST THE CITY OF FLINT

405 (a-d)(i-v). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

406. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

407. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

408. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

409(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

410. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT VIII – CAUSE OF ACTION
PROFESSIONAL NEGLIGENCE: BY ALL
PLAINTIFFS AGAINST LAN PC, LAN INC. & LAD

411. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 410 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

412. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

413. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

414. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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426. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

427(a-c). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

428. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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430. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

431(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

432. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT IX – CAUSE OF ACTION
PROFESSIONAL NEGLIGENCE: BY ALL PLAINTIFFS
AGAINST THE VEOLIA DEFENDANTS

433. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 432 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

434. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

435. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

436. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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450. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

451(a-c). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

452. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

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454. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

455(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

456. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

457. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT X – CAUSE OF ACTION
FRAUD: BY ALL PLAINTIFFS AGAINST THE VEOLIA DEFENDANTS

458. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 457 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

459. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

460(a-c). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

461. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

462. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

463. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

464(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT XI – CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS:
BY INDIVIDUAL PLAINTIFFS AGAINST ENGINEERING DEFENDANTS

465. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 464 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

466. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

467. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT XI – CAUSE OF ACTION
NEGLIGENCE: BY ALL PLAINTIFFS
AGAINST ENGINEERING DEFENDANTS

468. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 467 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

469. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

470. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

471. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

472. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

473. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

474. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

475. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

476. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

477(a-b, a-b). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

COUNT XII – CAUSE OF ACTION
GROSS NEGLIGENCE: BY ALL PLAINTIFFS
AGAINST THE ENGINEERING DEFENDANTS

478. Defendant Rowe herein repeats each and every answer contained in Paragraphs 1 through 477 of Plaintiffs' Consolidated Amended Class Complaint as if fully set forth herein.

479. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

480. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

481. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

482. Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

483(a-d). Defendant Rowe neither admits nor denies the allegations in this paragraph for lack of sufficient information or knowledge upon which to form a belief, and leaves Plaintiffs to their proofs.

WHEREFORE, Defendant ROWE PROFESSIONAL SERVICES COMPANY respectfully requests that this Honorable Court enters a judgment of no cause for action in its favor and awards it all reasonable costs and attorney fees incurred in defense of this matter.

Respectfully submitted,

**SULLIVAN, WARD,
ASHER & PATTON, P.C.**

/s/ Craig S. Thompson
Sullivan, Ward, Asher & Patton, P.C.
25800 Northwestern Highway
Southfield, MI 48075
248.746.0700
E-Mail: cthompson@swappc.com
Bar No.: P48839

Dated: December 1, 2017

DEFENDANT ROWE PROFESSIONAL SERVICES COMPANY'S
AFFIRMATIVE DEFENSES

NOW COMES Defendant **ROWE PROFESSIONAL SERVICES COMPANY** (“ROWE”), by and through its attorneys, SULLIVAN, WARD, ASHER & PATTON, P.C., and for its Affirmative Defenses, states as follows:

1. The Consolidated Amended Class Complaint fails in whole or in part to state any claim against Defendant ROWE.
2. The Consolidated Amended Class Complaint fails in whole or in part to state legally viable claims upon which relief can be granted.
3. Plaintiffs’ claims are barred by a prior judgment in Guertin v. State of Michigan, et al., Eastern District Case No. 16-cv-12412 [ECF No. 151].
4. The proposed classes of Plaintiffs are legally impermissible.
5. At all times relevant herein, the actions of Defendant ROWE were reasonable and proper, and met or exceeded the applicable standard of care.
6. Defendant ROWE relies upon its rights, obligations and defenses as set forth in the contract(s) between and amongst the parties.
7. Defendant ROWE did not owe any duty to Plaintiffs separate and distinct from its contractual obligations.
8. The damages Plaintiffs’ allegedly sustained were not proximately caused by any acts of Defendant ROWE, but rather were proximately caused in total or in part as a result of the negligence, breach of contract or other culpable conduct of parties (including potential non-parties) other than Defendant ROWE.
9. Defendant ROWE is entitled to an apportionment of damages in relation to the degree of all parties, persons, whether joined as companies or entities, Co-Defendant or not.

10. Defendant ROWE is entitled to a set-off from any recovery against it to the extent of any and all benefits paid or payable to or on behalf of Plaintiffs from any and all collateral sources to the extent such a set-off is permissible under the laws applicable to this cause of action.

11. Defendant ROWE reserves the right to bring a motion for summary judgment as provided under Fed. R. Civ. P. 56 and the grounds set forth therein.

12. Plaintiffs failed to mitigate their damages and/or were negligent in their mitigation of same.

13. Defendant ROWE hereby incorporates the affirmative defenses asserted by other parties.

14. Defendant ROWE reserves the right to add further Affirmative Defenses as may be necessary throughout the course of discovery.

Respectfully submitted,

**SULLIVAN, WARD,
ASHER & PATTON, P.C.**

/s/ Craig S. Thompson
Sullivan, Ward, Asher & Patton, P.C.
25800 Northwestern Highway
Southfield, MI 48075
248.746.0700
E-Mail: cthompson@swappc.com
Bar No.: P48839

Dated: December 1, 2017

**DEFENDANT ROWE PROFESSIONAL SERVICES COMPANY'S
RELIANCE ON JURY DEMAND**

NOW COMES Defendant, **ROWE PROFESSIONAL SERVICES COMPANY'S** ("ROWE"), by and through its attorneys, SULLIVAN, WARD, ASHER & PATTON, P.C., and hereby relies upon the Jury Demand as to the issues of this cause of action.

Respectfully submitted,

**SULLIVAN, WARD,
ASHER & PATTON, P.C.**

/s/ Craig S. Thompson
Sullivan, Ward, Asher & Patton, P.C.
25800 Northwestern Highway
Southfield, MI 48075
248.746.0700
E-Mail: cthompson@swappc.com
Bar No.: P48839

Dated: December 1, 2017

PROOF OF SERVICE

I hereby certify that on December 1, 2017, I caused to be electronically filed the foregoing document with the Clerk of the Court using the ECF System, which will send notification to the ECF counsel of record.

/s/ Craig S. Thompson
Sullivan, Ward, Asher & Patton, P.C.
25800 Northwestern Highway
Southfield, MI 48075
248.746.0700
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Bar No.: P48839

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